

ESTTA Tracking number: **ESTTA496917**

Filing date: **09/27/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	BHPC ASSOCIATES LLC		
Entity	limited liability company	Citizenship	Delaware
Address	1370 Broadway New York, NY 10018 UNITED STATES		

Attorney information	Robert L. Epstein Epstein Drangel LLP 60 East 42nd Street, Suite 2410 New York, NY 10165 UNITED STATES mail@ipcounselors.com Phone:2122925390
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Applicant Information

Application No	85169157	Publication date	09/04/2012
Opposition Filing Date	09/27/2012	Opposition Period Ends	10/04/2012
Applicant	Robert T. Do 10600 Red Barn Lane Potomac, MD 20854 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 2008/07/19 First Use In Commerce: 2008/07/19

All goods and services in the class are opposed, namely: Charitable fundraising services by means of organizing and conducting special events


Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1429311	Application Date	11/12/1985
Registration Date	02/17/1987	Foreign Priority Date	NONE
Word Mark	BEVERLY HILLS POLO CLUB		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1985/02/18 First Use In Commerce: 1985/02/18 CLOTHING FOR MEN, WOMEN AND CHILDREN-NAMELY SHIRTS, SWEATSHIRTS, SWEAT SUITS, SWEATERS, T-SHIRTS, PANTS, UNDERWEAR, CAPS, JACKETS, [LEOTARDS, DRESSES, PONCHOS]

U.S. Registration No.	1751058	Application Date	10/01/1991
Registration Date	02/09/1993	Foreign Priority Date	NONE
Word Mark	BEVERLY HILLS POLO CLUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1991/05/31 First Use In Commerce: 1991/05/31 ophthalmic eyewear; namely, eyeglass frames, lenses, chains, and cases; eyeglasses; and sunglasses</p> <p>Class 014. First use: First Use: 1991/08/31 First Use In Commerce: 1991/08/31 watches</p> <p>Class 018. First use: First Use: 1991/03/31 First Use In Commerce: 1991/03/31 wallets, umbrellas, and small leather goods; namely, credit card cases, key cases, and coin purses</p> <p>Class 024. First use: First Use: 1991/03/01 First Use In Commerce: 1991/03/01 beach towels, bath towels, table linens and textile placemats, and bed and bath accessories; namely, fabric toilet seat covers</p> <p>Class 025. First use: First Use: 1989/10/31 First Use In Commerce: 1989/10/31 clothing for men, women and children; namely, shirts, sweatshirts, sweaters, tee shirts, pants, caps, hats, jackets, dresses, socks, hosiery, raincoats and outerwear; namely, coats and jackets, and belts</p>		

U.S. Registration No.	2091892	Application Date	08/15/1995
Registration Date	08/26/1997	Foreign Priority Date	NONE
Word Mark	BEVERLY HILLS POLO CLUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1996/10/00 First Use In Commerce: 1996/10/00 perfume [, cologne, toilet water, soap, skin moisturizer and creams] ,shower gel, [shaving cream, shaving lotion, shaving gel, shampoo, baby powder, body powder, face powder, talcum powder, nail polish, nail polish remover, cosmetic pencils, bath and body oil, make-up, lipstick, lip gloss, skin lotions, facial lotions, body lotions, hand cream,] deodorants and anti-perspirants and and after shave lotions		

U.S. Registration No.	2181220	Application Date	09/09/1996
Registration Date	08/11/1998	Foreign Priority Date	NONE
Word Mark	BEVERLY HILLS POLO CLUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1997/07/15 First Use In Commerce: 1997/07/15 luggage		

U.S. Registration No.	2214846	Application Date	08/08/1994
Registration Date	12/29/1998	Foreign Priority Date	NONE
Word Mark	BEVERLY HILLS POLO CLUB		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1994/10/01 First Use In Commerce: 1994/10/01 footwear, namely shoes, boots, slippers, athletic shoes, and golf shoes

Attachments	73568042#TMSN.gif (1 page)(bytes) 74209022#TMSN.gif (1 page)(bytes) 74715704#TMSN.gif (1 page)(bytes) 75162739#TMSN.gif (1 page)(bytes) 74558586#TMSN.gif (1 page)(bytes) 092712 Opposition.pdf (18 pages)(397500 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/robert l. epstein/
Name	Robert L. Epstein
Date	09/27/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

	x	
	:	
BHPC ASSOCIATES LLC,	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	
	:	
	:	
ROBERT T. DO	:	
	:	
Applicant.	:	
	x	

NOTICE OF OPPOSITION

Opposer, BHPC Associates LLC, of 1370 Broadway, New York City, New York 10018, believes that it is being damaged by the application to register the mark GREEN CUP POLO and Polo Player Design, Application Ser. No. 85169157, in International Class 036, filed November 4, 2010, and hereby opposes same.



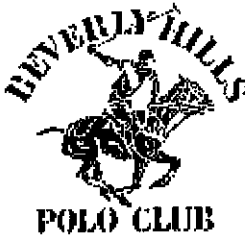


As grounds for its opposition, Opposer, by and through its undersigned attorneys, alleges as follows:

1. Continuously and long prior to the Applicant's filing date of November 4, 2010 of its Application Serial No. 85169157 to register GREEN CUP POLO and Polo Player Design, Opposer has offered and continues to offer a variety of goods, including a wide assortment of apparel for men, ladies, boys, girls and infants; ophthalmic eyewear including sunglasses; time

pieces; fragrances and other cosmetics; various types of bags and small leather goods; and home fashion products including bedding, window treatments, towels, table linens and rugs, bearing the mark BEVERLY HILLS POLO CLUB in Design including the image of a polo player on horseback swinging his mallet (the “BEVERLY HILLS POLO CLUB and Polo Player Design mark”).

2. Over a prolonged period of time, Opposer has invested a substantial amount of time, effort and money promoting its BEVERLY HILLS POLO CLUB and Polo Player Design mark and the goods bearing that mark. As a result of its promotional efforts, a tremendous volume of sales, and extensive use of the BEVERLY HILLS POLO CLUB and Polo Player Design mark, Opposer's BEVERLY HILLS POLO CLUB and Polo Player Design mark has attained widespread acclaim in the United States, and has come to be exclusively recognized as identifying the products of Opposer. Since long before any use of or alleged rights of Applicant in the mark hereby opposed, Opposer's BEVERLY HILLS POLO CLUB and Polo Player Design mark has become distinctive of Opposer's goods and represents a tremendous amount of goodwill of Opposer's business.

3. In addition to its common law rights, Opposer owns the following incontestable United States trademark registrations of the BEVERLY HILLS POLO CLUB and the Polo Player Design mark for use in the aggregate in connection with Opposer's goods:

MARK	Class(es)	REGISTRATION NUMBER	REGISTRATION DATE
	25	1429311	02-17-1987
	09,14,18,24,25	1751058	02-09-1993
	03	2091892	08-26-1997
	18	2181220	08-11-1998
	25	2214846	12-29-1998

4. Opposer's registrations are valid, subsisting, in full force and effect, incontestable, and are evidence of Opposer's exclusive rights to use its registered marks on the identified goods, pursuant to 15 U.S.C. §§ 1057 and 1115. Current printouts from the electronic database records of the United States Patent and Trademark Office of the aforementioned incontestable registrations are attached hereto as **Exhibit A**.

5. Upon information and belief, Robert T. DO ("Applicant") filed with the United States Patent and Trademark Office an Application to register GREEN CUP POLO and Polo Player Design, Application Ser. No. 85169157, in International Class 036, for "Charitable fundraising services by means of organizing and conducting special events", dated November 4, 2010.

6. Applicant is not connected to Opposer in any way and has not been authorized by Opposer to use GREEN CUP POLO AND DESIGN and Polo Player Design as reflected in Application Ser. No. 85169157.

COUNT I: Priority and Likelihood of Confusion

7. Opposer repeats and re-alleges each and every allegation contained in paragraphs 1 through 6 as if fully set forth herein.

8. Upon information and belief, Opposer acquired rights in the BEVERLY HILLS POLO CLUB and Polo Player Design mark prior to any date on which Applicant can rely in connection with GREEN CUP POLO and Polo Player Design in International Class 036 as reflected in Application Ser. No. 85169157.

9. Opposer's BEVERLY HILLS POLO CLUB and Polo Player Design mark is the same as or similar to GREEN CUP POLO and Polo Player Design, in International Class 036, as

reflected in Ser. No. 85169157 in appearance, sound, meaning and commercial impression, both marks including virtually identical or confusingly similar polo player images, arranged above the word POLO, in a similar manner.

10. The goods and services of the respective parties are commercially related, and/or the conditions and activities surrounding the use of the marks of the respective parties are such that they would or could be encountered by the same persons under circumstances that could give rise to the mistaken belief that such goods and services originate from the same source or indicate an affiliation between the parties.

11. As a result, GREEN CUP POLO and Polo Player Design, as reflected in Application Ser. No. 85169157, when used in connection with the services in International Class 036 identified said application, is likely to cause confusion or mistake or to deceive and mislead the public into believing that Applicant's services are provided by Opposer, or that Applicant or its services are authorized, licensed or controlled by Opposer, or that Applicant is affiliated with or in some way related to Opposer. Accordingly, any such use or and the issuance of the registration of GREEN CUP POLO and Polo Player Design in International Class 036 as reflected in Application Ser. No. 85169157 would and does violate Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

12. By reason of the foregoing, Opposer will be damaged by the registration of the mark of GREEN CUP POLO and Polo Player Design in International Class 036 as reflected in Application Ser. No. 85169157.

WHEREFORE, it is respectfully requested that this notice of opposition be sustained and that the Board refuse to register GREEN CUP POLO and Polo Player Design in International Class 036 as reflected in Application Ser. No. 85169157.

Respectfully submitted,

EPSTEIN DRANGEL LLP

Dated: September 27, 2012

By: /Robert L. Epstein/
Robert L. Epstein
William C. Wright
Jason M. Drangel
60 East 42nd Street, Suite 2410
New York, New York 10165
Tel. No.: (212) 292-5390
Fax. No.: (212) 292-5391

EXHIBIT A



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Word Mark	BEVERLY HILLS POLO CLUB
Goods and Services	IC 025. US 022 039. G & S: CLOTHING FOR MEN, WOMEN AND CHILDREN-NAMELY SHIRTS, SWEATSHIRTS, SWEAT SUITS, SWEATERS, T-SHIRTS, PANTS, UNDERWEAR, CAPS, JACKETS, [LEOTARDS, DRESSES, PONCHOS]. FIRST USE: 19850218. FIRST USE IN COMMERCE: 19850218
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	02.09.17 - Humans, including men, women and children, depicted riding horses and other animals; Riding animals, humans 02.09.19 - Diving, humans; Humans, including men, women and children, depicted playing games or engaged in other sports; Playing games or sports, humans
Serial Number	73568042
Filing Date	November 12, 1985
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 25, 1986
Registration Number	1429311
Registration Date	February 17, 1987
Owner	(REGISTRANT) GREGORY LANG, INC. CORPORATION CALIFORNIA 1940 LOVELACE AVENUE LOS ANGELES CALIFORNIA 90015 (LAST LISTED OWNER) BHPC ASSOCIATES LLC LIMITED LIABILITY CORPORATION

DELAWARE 1370 BROADWAY NEW YORK NEW YORK 10018

Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Karin Segall
Type of Mark Register	TRADEMARK PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070709.
Renewal	1ST RENEWAL 20070709
Live/Dead Indicator	LIVE

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Word Mark

BEVERLY HILLS POLO CLUB

Goods and Services

IC 009. US 002 026. G & S: ophthalmic eyewear; namely, eyeglass frames, lenses, chains, and cases; eyeglasses; and sunglasses. FIRST USE: 19910531. FIRST USE IN COMMERCE: 19910531

IC 014. US 027. G & S: watches. FIRST USE: 19910831. FIRST USE IN COMMERCE: 19910831

IC 018. US 003 041. G & S: wallets, umbrellas, and small leather goods; namely, credit card cases, key cases, and coin purses. FIRST USE: 19910331. FIRST USE IN COMMERCE: 19910331

IC 024. US 042. G & S: beach towels, bath towels, table linens and textile placemats, and bed and bath accessories; namely, fabric toilet seat covers. FIRST USE: 19910301. FIRST USE IN COMMERCE: 19910301

IC 025. US 039. G & S: clothing for men, women and children; namely, shirts, sweatshirts, sweaters, tee shirts, pants, caps, hats, jackets, dresses, socks, hosiery, raincoats and outerwear; namely, coats and jackets, and belts. FIRST USE: 19891031. FIRST USE IN COMMERCE: 19891031

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

02.01.19 - Athletes (men); Golfer; Men, athletes, strongmen; Strongmen

02.01.31 - Men, stylized, including men depicted in caricature form

02.09.17 - Humans, including men, women and children, depicted riding horses and other animals; Riding animals, humans

21.03.04 - Croquet mallets; Lacrosse sticks; Mallets (sports); Mallets, croquet; Mallets, polo; Polo mallets

Serial Number 74209022
Filing Date October 1, 1991
Current Basis 1A
Original Filing Basis 1A
Published for Opposition November 17, 1992
Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 1751058
Registration Date February 9, 1993
Owner (REGISTRANT) BHPC Marketing, Inc. CORPORATION CALIFORNIA 27129 CALLE ARROYO SUITE 1821 SAN JUAN CAPISTRANO CALIFORNIA 92675

(LAST LISTED OWNER) BHPC ASSOCIATES LLC LIMITED LIABILITY CORPORATION DELAWARE 1370 BROADWAY NEW YORK NEW YORK 10018
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Dennis G. Martin
Prior Registrations 1429311;AND OTHERS
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BEVERLY HILLS" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20030422.
Renewal 1ST RENEWAL 20030422
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**Word Mark** BEVERLY HILLS POLO CLUB

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: perfume [, cologne, toilet water, soap, skin moisturizer and creams] ,shower gel, [shaving cream, shaving lotion, shaving gel, shampoo, baby powder, body powder, face powder, talcum powder, nail polish, nail polish remover, cosmetic pencils, bath and body oil, make-up, lipstick, lip gloss, skin lotions, facial lotions, body lotions, hand cream,] deodorants and anti-perspirants and and after shave lotions. FIRST USE: 19961000. FIRST USE IN COMMERCE: 19961000

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.09.17 - Humans, including men, women and children, depicted riding horses and other animals; Riding animals, humans
21.03.04 - Croquet mallets; Lacrosse sticks; Mallets (sports); Mallets, croquet; Mallets, polo; Polo mallets

Serial Number 74715704**Filing Date** August 15, 1995**Current Basis** 1A

Original Filing Basis 1B

Published for Opposition August 27, 1996

Registration Number 2091892

Registration Date August 26, 1997

Owner

(REGISTRANT) BHP Marketing, Inc. CORPORATION CALIFORNIA 27129 Calle Arroyo Suite 1821 San Juan Capistrano CALIFORNIA 92675

(LAST LISTED OWNER) BHPC ASSOCIATES LLC LIMITED LIABILITY CORPORATION
DELAWARE 1370 BROADWAY NEW YORK NEW YORK 10018

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Karin Segall and Paul Fields
Prior Registrations 1429311;1687874;1751058;1947244;AND OTHERS
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BEVERLY HILLS" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070720.
Renewal 1ST RENEWAL 20070720
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Word Mark	BEVERLY HILLS POLO CLUB
Goods and Services	IC 018. US 001 002 003 022 041. G & S: luggage. FIRST USE: 19970715. FIRST USE IN COMMERCE: 19970715
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	02.01.19 - Athletes (men); Golfer; Men, athletes, strongmen; Strongmen 02.01.31 - Men, stylized, including men depicted in caricature form 02.09.17 - Humans, including men, women and children, depicted riding horses and other animals; Riding animals, humans 02.09.19 - Diving, humans; Humans, including men, women and children, depicted playing games or engaged in other sports; Playing games or sports, humans
Serial Number	75162739
Filing Date	September 9, 1996
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 22, 1997
Registration Number	2181220
Registration Date	August 11, 1998
Owner	(REGISTRANT) BHPC Marketing, Inc. CORPORATION CALIFORNIA 620 West 135th Street Gardena CALIFORNIA 90248

(LAST LISTED OWNER) BHPC ASSOCIATES LLC LIMITED LIABILITY CORPORATION
DELAWARE 1370 BROADWAY NEW YORK NEW YORK 10018

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Paul Fields, Amy J. Benjamin, Eric A. Prager and Abigail Rubinstein
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080720.
Renewal 1ST RENEWAL 20080720
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Word Mark	BEVERLY HILLS POLO CLUB
Goods and Services	IC 025. US 022 039. G & S: footwear, namely shoes, boots, slippers, athletic shoes, and golf shoes. FIRST USE: 19941001. FIRST USE IN COMMERCE: 19941001
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men 02.01.19 - Athletes (men); Golfer; Men, athletes, strongmen; Strongmen 02.09.17 - Humans, including men, women and children, depicted riding horses and other animals; Riding animals, humans 21.03.04 - Croquet mallets; Lacrosse sticks; Mallets (sports); Mallets, croquet; Mallets, polo; Polo mallets
Serial Number	74558586
Filing Date	August 8, 1994
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 9, 1995
Registration Number	2214846
Registration Date	December 29, 1998
Owner	(REGISTRANT) BHPC MARKETING, INC. CORPORATION CALIFORNIA 27129 CALLE ARROYO SUITE 1821 SAN JUAN CAPISTRANO CALIFORNIA 92675 (LAST LISTED OWNER) BHPC ASSOCIATES LLC LIMITED LIABILITY CORPORATION DELAWARE 1370 BROADWAY NEW YORK NEW YORK 10018

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Paul Fields, Amy J. Benjamin and Abigail Rubinstein
Prior Registrations 1429311;1687874
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Type of Mark TRADEMARK
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Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090121.
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition was served by First Class Mail, with sufficient postage prepaid, on this 27th day of September, 2012, upon Applicant's attorney of record:

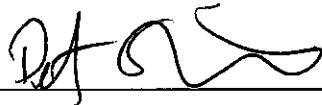
ROCIO VELEZ

SOLENA

1000 Potomac Street suite 301

WASHINGTON, DISTRICT OF COLUMBIA 20007

BY:

A handwritten signature in black ink, appearing to be 'Rocio Velez', is written over a horizontal line.
